

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Oakridge Fire Department
Licensee of Radio Station WQJY776
Oakridge, Oregon

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File No.: EB-FIELDWR-18-00027986

NOTICE OF VIOLATION

Released: March 14, 2019

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules¹ to Oakridge Fire Department (Oakridge), licensee of radio station WQJY776 in Oakridge, Oregon. Pursuant to Section 1.89(a) of the Commission's rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On October 29, 2018, in response to a complaint from the State of Oregon, Department of Transportation, FCC Call Sign WPPE571, concerning co-channel interference on frequency 151.115 MHz, an Agent of the Enforcement Bureau's Portland Office conducted an investigation and observed the following violations:

- a. 47 CFR 1.947(a). "All major modifications, as defined in 1.929 of this part, require prior Commission approval."³ During the investigation conducted on October 29, 2018, the Agent observed that Oakridge relocated the transmitter from its authorized location (coordinates 43°-46"-59.4" N, 122°-25'-04.2" W, at an elevation above mean sea level (AMSL) of approximately 848 meters) to an unauthorized location (coordinates 43°-46'-31.9" N, 122°-24'-21" W at an AMSL level of approximately 1120.7 meters). Oakridge failed to obtain the required prior Commission approval before relocating the transmitter from its authorized location. As the result of the unauthorized relocation of the transmitter and the increase in elevation at the new site, the transmitter's effective coverage increased and caused co-channel interference to the State of Oregon Department

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ See 47 CFR § 1.929(c)(4)(v) ("In addition to those changes listed in paragraph (a) in this section, the following are major changes applicable to stations licensed to provide base-to-mobile, mobile-to-base, mobile -to mobile on a site-specific basis...: (4) In the Private Land Mobile Services (PLMRS)...(v) Change in authorized location ...").

of Transportation's licensed communications under Call Sign WPPE571.

- b. 47 CFR § 90.135(b): “(b) Unless specifically exempted in § 90.175, licensees must submit a Form 601 application for modification to the applicable frequency coordinator for any change listed in § 1.929(c)(4) of this chapter.” The relocation of the Oakridge's transmitter required frequency coordination. The investigation conducted on October 29, 2018, revealed that Oakridge failed to submit an application to the appropriate frequency coordinator prior to relocating the transmitter from its authorized location. On January 2, 2019, Oakridge submitted an application for license modification to request for an expanded service coverage for the referenced transmitter above.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ Section 403 of the Communications Act of 1934, as amended,⁵ and Section 1.89 of the Commission's rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Oakridge must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁶

4. In accordance with Section 1.16 of the Commission's rules, we direct Oakridge to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Oakridge Fire Department with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information requested by this Notice which is in the Oakridge Fire Department's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁸

⁴ 47 U.S.C. § 308(b).

⁵ 47 U.S.C. § 403.

⁶ 47 CFR § 1.89(c).

⁷ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 CFR § 1.16.

⁸ 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
Field@FCC.gov

6. This Notice shall be sent to the Oakridge Fire Department 48318 E. 1st Street, Oakridge, Oregon 97463 and its Radio Licensing Services, P.O. Box 22161, Milwaukie, Oregon 97269. The Privacy Act of 1974⁹ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).